

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

Alicia BELTRAN

Applicant,

vs.

**Jamie LOEHNIS, in his official capacity as
Executive Director of the Casa Clare
Treatment Center; Jim STRACHOTA,
in his official capacity as Director of Human
Services for Washington County, WI;
Mark D. BENSEN, in his official capacity as
District Attorney for Washington County,
WI; the WASHINGTON COUNTY
CIRCUIT COURT; and John DOE, in his
official capacity as immediate custodian
of Applicant Alicia Beltran,**

Respondents.

Docket No. _____

**MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY AND
PERMANENT INJUNCTION**

Comes now habeas corpus Applicant Alicia Beltran and moves this Honorable Court for an Order granting a temporary restraining order, preliminary injunction, and permanent injunction against application of Wisconsin Chapter 48, WIS. STAT. ANN. § 48.133 *et seq.*, against her.

Applicant Ms. Beltran is currently in custody pursuant to order of Wisconsin Family Court Commissioner Dolores Bomrad because Ms. Beltran is pregnant and is an alleged “habitual” user of a controlled substance, though there was no evidence of drug use at the time of this deprivation of physical liberty. She is scheduled for jury trial on a Child in Need of

Protective Services (CHIPS) petition on October 29-30, 2013, as a result of which she may be continuously confined until she gives birth, and may further be subjected to termination of parental rights proceedings. She is due to give birth January 14, 2013.

Filed simultaneously with this Motion is Applicant Ms. Beltran's Memorandum of Law asserting that portions of Wisconsin Chapter 48 violate her constitutional rights in multiple respects without advancing maternal, fetal or child health, and in fact likely undermining it. In that Memorandum, Ms. Beltran states the grounds not only for invalidation of Wisconsin Chapter 48 under the Constitution, but also for grant of a temporary restraining order, preliminary injunction, permanent injunction, and declaratory relief. Ms. Beltran refers this Court to that Memorandum for argument as to why this Motion should be granted.

Ms. Beltran further prays for relief on an expedited basis as her current civil commitment results daily in further emotional, psychiatric, and financial harms affecting not only her, but also her pregnancy, as detailed in the concurrently filed Memorandum of Law. Ms. Beltran simply asks this Court to be allowed to go home in vindication of her established constitutional rights.

Dated: September 27, 2013

Respectfully submitted,

s/ Linda S. Vanden Heuvel
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*Admission to the federal district court for the Eastern District of Wisconsin pending.

